

# AUSTIN CITY COUNCIL

## AGENDA



Thursday, September 28, 2006

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### Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 112

**Subject:** Conduct a public hearing and approve a resolution authorizing the use of approximately 45 acres for the construction of Water Treatment Plant #4 (WTP#4) on the Balcones Canyonland Preserve (BCP) tract known as Cortaño, located along F.M. 620 between Steiner Ranch Boulevard and F.M. 2222, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code.

**Amount and Source of Funding:** All costs associated with the construction, as well as any BCP mitigation will be paid by the Austin Water Utility Department.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

#### Additional Backup Material

(click to open)

- ☐ MAP
- ☐ Resolution
- ☐ Exhibit

**For More Information:** Junie Plummer, 974-7085; Martha Terry, 974-2974; Laura Bohl, 974-7064.

**Boards and Commission Action:** Recommended by Water and Wastewater Commission, August 2, 2006; BCP Citizens Advisory Committee, August 8, 2006; BCP Science Advisory Committee, August 15, 2006; Environmental Board, August 16, 2006; BCP Coordinating Committee, August 21, 2006.

**Prior Council Action:** Recommended by City Council in Resolution No. 20060824-003.

Chapter 26 of the Texas Parks and Wildlife Code provides that the use of preserve for non-preserve purposes may be approved upon a finding that there is no feasible and prudent alternative to the use of this land.

The Austin Water Utility Department is proposing to construct WTP#4 on approximately 45 acres, being a portion of 1,752 acres of a tract known as Cortaño Tract, which was purchased for the BCP program on January 8, 1993, as recorded in Volume 11917, Page 1317. The total BCP acreage owned by the City comprises approximately 13,033 acres. The proposed plant will be supplied by a Lake Travis raw water intake, which is important because it will increase the diversification of the City's water sources and because of the consistent water quality of the water supply source. Lake Travis has the highest elevation, important for meeting water distribution system demands.

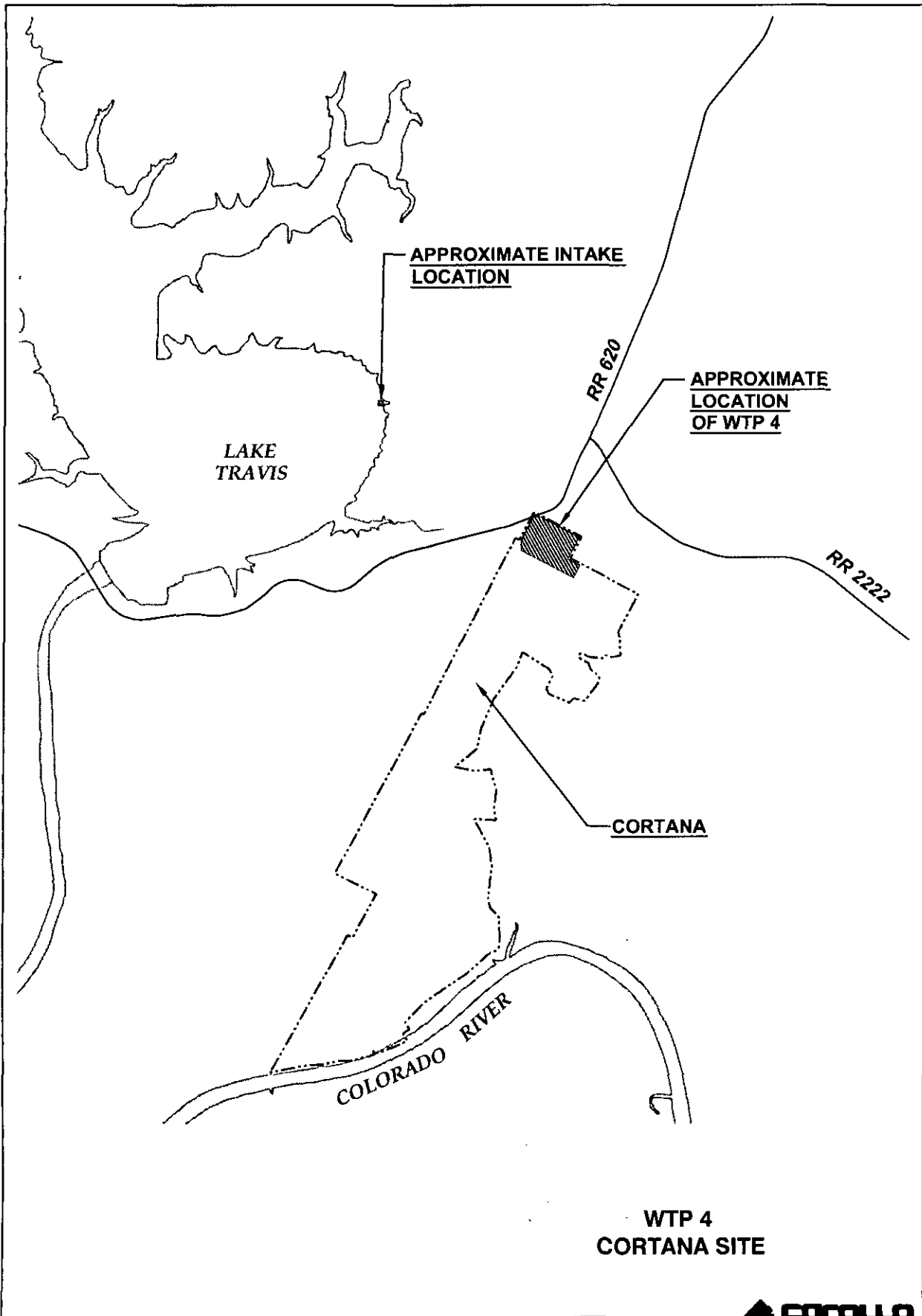
A thorough search and evaluation of potential alternate sites has been conducted and no feasible and prudent alternative to the Cortaño site was found. The proposal to remove the 45 acre portion of the City's Cortaño Tract from the BCP includes adding 102 acres to the BCP. The transfer of the 102 acre site is contingent upon the receipt of all appropriate approvals for a minor amendment to the Federal Fish and Wildlife Permit PRT - 788841 transferring the Special Use Tract designation in the permit from the 102 acre site to the new 45 acre alternate Site. In addition, the City also proposes to add the 928 acre Little Barton Creek tract to the BCP.

Additional information may be obtained by visiting the main page of the Austin Water Utility's web-site at <http://www.ci.austin.tx.us/water>

There is no feasible and prudent alternative to the BCP land, which includes all reasonable planning to minimize harm to such lands. The dates of public notification in the Austin American Statesman are September 3rd, 10th,

and 17th, 2006.

Exhibit "A"



**RESOLUTION NO. 20060928-**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**WHEREAS**, the City Council was requested to review and approve the use of preserve land for the construction, operation and maintenance of a water treatment plant in the Balcones Canyonlands Preserve on a tract known as Cortana; and

**WHEREAS**, notice of public meeting to be held on September 28, 2006, was given for three consecutive weeks on September 3, 10 and 17, 2006 in a newspaper of general circulation; and

**WHEREAS**, such public hearing was held September 28, 2006, by the City Council to determine whether to approve the proposed use of the preserve property; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Council finds that under present circumstances and having taken into account clearly enunciated local preferences, there is no feasible and prudent alternative to the use of the preserve property (detailed in the attached Exhibit "A") for the construction, operation and maintenance of a water treatment plant and such proposed use is approved.

That the City Council finds that the program of improvements includes all reasonable planning to minimize harm to the preserve from the resulting use.

That the use of the preserve property be specially subject to the conditions listed in the attached Exhibit B.

That the City Manager or her designee be authorized to take such measures, including the securing of further permits and approvals, as may be necessary, favorable or required to begin an expeditious construction of the water treatment plant.

**ADOPTED:** September 28, 2006

**ATTEST:**

\_\_\_\_\_  
Shirley A. Gentry  
City Clerk

## EXHIBIT B

### CONDITIONS OF APPROVAL

1. Dedication of the Little Barton Creek tract and the original water treatment plant site, excluding the existing Fire and EMS station site, to the Balcones Canyonlands Preserve.
2. Renewal of efforts towards completion of the Balcones Canyonlands Conservation Plan in collaboration with Travis County and BCCP partners.
3. Initiation of efforts to develop a plan by March 1, 2007 for the completion of steps necessary to achieve the protection and management of 2000 acres of black-capped vireo habitat, with at least 1000 acres under active management by 2010.
4. Restoration of at least five acres of habitat for every acre lost to water treatment plant development.